

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:17-cv-09492-DLC**

Natural Resources Defense Council, Inc. v. United States  
 Environmental Protection Agency  
 Assigned to: Judge Denise L. Cote  
 Cause: 05:552 Freedom of Information Act

Date Filed: 12/04/2017  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Natural Resources Defense Council,  
Inc.**

represented by **Nancy Sharman Marks**  
 Natural Resources Defense Council, Inc.  
 40 West 20th Street  
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 (212) 727-2700 x4414  
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**ATTORNEY TO BE NOTICED**

**Mitchell S. Bernard**  
 Natural Resources Defense Council, Inc.  
 40 West 20th Street  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States Environmental  
Protection Agency**

represented by **Christine Schessler Poscabelo**  
 U.S. Attorney Office SDNY  
 86 Chambers Street  
 New York, NY 10007  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
12/04/2017	<u>1</u>	COMPLAINT against United States Environmental Protection Agency. (Filing Fee \$ 400.00, Receipt Number 0208-14432906) Document filed by Natural Resources Defense Council, Inc..(Bernard, Mitchell) (Entered: 12/04/2017)
12/04/2017	<u>2</u>	CIVIL COVER SHEET filed. (Bernard, Mitchell) (Entered: 12/04/2017)
12/04/2017	<u>3</u>	<b>FILING ERROR – DEFICIENT PLEADING – FILED AGAINST PARTY</b> <b>ERROR – REQUEST FOR ISSUANCE OF SUMMONS</b> as to United States Environmental Protection Agency, re: <u>1</u> Complaint. Document filed by Natural Resources Defense Council, Inc.. (Bernard, Mitchell) Modified on 12/5/2017 (pc). (Entered: 12/04/2017)
12/04/2017	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Natural Resources Defense Council, Inc..(Bernard, Mitchell) (Entered: 12/04/2017)

12/05/2017		<b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION.</b> Notice to attorney Mitchell S. Bernard. The party information for the following party/parties has been modified: Natural Resources Defense Council, Inc. and United States Environmental Protection Agency. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly. (pc) (Entered: 12/05/2017)
12/05/2017		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Denise L. Cote. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (pc) (Entered: 12/05/2017)
12/05/2017		Magistrate Judge Stewart A. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (pc) (Entered: 12/05/2017)
12/05/2017		Case Designated ECF. (pc) (Entered: 12/05/2017)
12/05/2017		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS.</b> Notice to Attorney Mitchell S. Bernard to RE-FILE Document No. <u>3</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): Party name on the summons must exactly match what is listed on the complaint caption title. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (pc) (Entered: 12/05/2017)
12/05/2017	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Environmental Protection Agency, re: <u>1</u> Complaint. Document filed by Natural Resources Defense Council, Inc.. (Bernard, Mitchell) (Entered: 12/05/2017)
12/06/2017	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to United States Environmental Protection Agency. (vf) (Entered: 12/06/2017)
12/07/2017	<u>7</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE (Notice): Initial Conference set for 3/2/2018 at 11:30 AM in Courtroom 15B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote.—Please follow the procedures set forth in the Notice. (Signed by Judge Denise L. Cote on 12/7/2017) (gr) (Entered: 12/07/2017)
01/03/2018	<u>8</u>	NOTICE OF APPEARANCE by Christine Schessler Poscabelo on behalf of United States Environmental Protection Agency. (Poscabelo, Christine) (Entered: 01/03/2018)
01/16/2018	<u>9</u>	ANSWER to <u>1</u> Complaint. Document filed by United States Environmental Protection Agency.(Poscabelo, Christine) (Entered: 01/16/2018)
02/06/2018	<u>10</u>	AFFIDAVIT OF SERVICE. All Defendants. Service was made by Mail. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Bernard, Mitchell) (Entered: 02/06/2018)
03/02/2018		Minute Entry for proceedings held before Judge Denise L. Cote: Initial Pretrial Conference held on 3/2/2018. (gr) (Entered: 03/02/2018)
03/16/2018	<u>11</u>	LETTER addressed to Judge Denise L. Cote from Christine S. Poscabelo dated March 16, 2018 re: Proposed Schedule for Processing FOIA Request and Summary Judgment Briefing and Request for Permission to Submit a Further Proposed Schedule for Processing FOIA Request on or before March 29, 2018. Document filed by United States Environmental Protection Agency.(Poscabelo, Christine) (Entered: 03/16/2018)
03/23/2018	<u>12</u>	MEMO ENDORSED LETTER addressed to Judge Cote from Christine S. Poscabelo dated March 16, 2018 re: Proposed Schedule for Processing FOIA Request and Summary Judgment Briefing and Request for Permission to Submit a Further Proposed Schedule for Processing FOIA Request on or before March 29, 2018. So Ordered. (Signed by Judge Denise L. Cote on 3/23/2018) (gr) (Entered: 03/23/2018)

03/29/2018	<u>13</u>	LETTER addressed to Judge Denise L. Cote from Christine S. Poscabelo dated March 29, 2018 re: Proposed Schedule for Processing FOIA Request. Document filed by United States Environmental Protection Agency.(Poscabelo, Christine) (Entered: 03/29/2018)
03/30/2018	<u>14</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Christine S. Poscabelo dated March 29, 2018 re: Proposed Schedule for Processing FOIA Request: 6/15/2018: Interim production of priority documents; 7/16/2018: Final production of priority documents; 8/15/2018: Interim productions of remaining documents; 9/16/2018: Final production of remaining documents.... ENDORSEMENT: So Ordered. (Signed by Judge Denise L. Cote on 3/29/2018) (gr) (Entered: 03/30/2018)
08/21/2018	<u>15</u>	NOTICE OF APPEARANCE by Nancy Sharman Marks on behalf of Natural Resources Defense Council, Inc.. (Marks, Nancy) (Entered: 08/21/2018)
10/11/2018	<u>16</u>	LETTER addressed to Judge Denise L. Cote from Christine S. Poscabelo dated October 11, 2018 re: Request to Vacate Briefing Schedule and Permit Parties to Submit Settlement Agreement or Status Update by December 10, 2018. Document filed by United States Environmental Protection Agency.(Poscabelo, Christine) (Entered: 10/11/2018)
10/16/2018	<u>17</u>	ENDORSED LETTER addressed to Judge Denise L. Cote Request to Vacate Briefing Schedule and Permit Parties to Submit Settlement Agreement or Status Update by December 10, 2018. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 10/15/2018) (gr) (Entered: 10/16/2018)
12/10/2018	<u>18</u>	PROPOSED STIPULATION AND ORDER. Document filed by Natural Resources Defense Council, Inc.. (Marks, Nancy) (Entered: 12/10/2018)